



STATE OF NEVADA

Department of Conservation & Natural Resources

Jim Gibbons, Governor

Allen Biaggi, Director

DIVISION OF ENVIRONMENTAL PROTECTION

Leo M. Drozdoff, P.E., Administrator

2008 Biennial Report

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Purpose

The mission of the Division of Environmental Protection is to preserve and enhance the environment of the state to protect public health, sustain healthy ecosystems and contribute to a vibrant economy. The Division accomplishes its mission by implementing a range of environmental monitoring, regulatory and compliance assistance programs.

Organizational Structure

The Division includes ten bureaus: Air Quality Planning, Air Pollution Control, Water Pollution Control, Water Quality Planning, Safe Drinking Water, Mining Regulation and Reclamation, Corrective Actions, Waste Management, Federal Facilities and the Bureau of Administrative Services. The Division also provides staff support for the State Environmental Commission, the Board to Finance Water Projects and the Board to Review Petroleum Claims.

<u>Statutory Authority:</u>	NRS 232.136, 444, 444A, 445A, 445B, 445C, 459, 486A, 519A, 590, and 704	
Number of Employees:	250 Authorized FTE / December 2007	
Telephone:	Carson City 775.687.4670	Las Vegas 702.486.2850
Web Site Address:	www.ndep.nv.gov	

Agency Goals

- 1. Clean Air.** Achieve and maintain levels of air quality that will protect human health and safety, prevent injury to plant and animal life, minimize the risk of chemical accidents, prevent damage to property, and preserve the scenic, historical, and aesthetic treasures of the state.
- 2. Clean Water.** Protect the waters of the state from the discharge of pollutants and contaminants to preserve beneficial uses of water and maintain healthy aquatic habitat.
- 3. Safe Drinking Water.** Protect public health of the citizens and visitors of Nevada by assuring that public water systems provide safe and reliable drinking water.
- 4. Responsible Management of Chemicals and Waste.** Ensure safe management of solid and hazardous waste; promote waste reduction, reuse, and recycling.

5. **Restoration of Contaminated Sites.** Assess and, if necessary, clean up contaminated properties to levels appropriate for their beneficial reuse.

6. **Public Information and Assistance.** Provide financial and technical assistance to businesses and municipalities to enable compliance with environmental laws; inform the public about the quality of the environment and issues of concern; and involve citizens in decision-making processes.

Significant Legislation, adopted in 2007, affecting the Agency

Mercury:
AB67 Establishes authority for the Division to receive revenue from the mercury cap and trade program and increases authority for administrative fines to \$2,000.
AB115 Enacts provisions governing mines with the potential to emit mercury. Requires the Division to establish two inspector positions to inspect mines for compliance with mercury regulations.
SB118 Requires the State Environmental Commission to adopt regulations to include large quantities of mercury (>100 tons) in the Chemical Accident Prevention Program.
Greenhouse gases:
SB422 Requires the State Environmental Commission to adopt regulations requiring certain electric utilities to report greenhouse gases for inclusion in a registry. The Division must report an inventory of greenhouse gas emissions every four years.

Agency Accomplishments

Goal 1 - Clean Air: In April 2007, the Bureau of Air Pollution Control together with the U.S. Department of Justice and the U.S. Environmental Protection Agency (EPA) negotiated a \$90 million joint settlement with Nevada Power Company requiring the utility to spend nearly \$85 million on air pollution control technology and pay a \$1.11 million fine. The settlement resolves allegations of air pollution control violations at its Reid Gardner coal-fired electric generating plant located 50 miles northeast of Las Vegas. As part of the settlement, Nevada Power will also fund more than \$4 million in energy conservation projects for the Clark County School District over the next seven years, saving the district at least \$500,000 per year in energy costs.

The Bureaus of Air Quality Planning and Air Pollution Control have jointly committed to a comprehensive mercury management program, employing a three-pronged approach:

The Bureaus developed a regulatory program to control emissions of mercury from precious metal mines in Nevada, adopted March 2006. The program, which is the first of its kind in the nation, requires enhanced monitoring, testing, recordkeeping and reporting. It also mandates the installation of Maximum Available Control

Technology on each unit that emits mercury. NDEP has already taken enforcement action under the new program.

The Bureaus developed a program to regulate emissions of mercury from coal-fired power plants in Nevada. Nevada's program goes beyond federal rules, promoting the installation and operation of state-of-the-art mercury control technology on coal-fired electric generating units.

The Chemical Accident Prevention Program in the Bureau of Air Quality Planning added mercury to its list of regulated substances. This program controls the handling and storage of highly hazardous substances in Nevada. Adding mercury to the list allows the Bureau to oversee the handling and storage of almost 5,000 tons of mercury that is scheduled to be moved to the Hawthorne Army Depot in north central Nevada.

Additionally, the Bureaus were instrumental in funding two northern Nevada mercury air sampling sites and initiating a third site which is being constructed in the Reno-Sparks area. The Bureaus also were awarded a \$364,000 research grant from EPA to fund UNR's development of an easily deployable sampling system to detect mercury in dry air. This will help improve monitoring in large dry geographic areas such as rural Nevada and help to better understand dry deposition of mercury in the arid West.

The Bureau of Air Quality Planning began developing regulations which will mandate the reporting of greenhouse gases (GHG) emitted by certain generators of electricity for inclusion in a registry of GHG emissions. The Bureau also began to develop the first statewide inventory of GHGs released in Nevada.

Goal 2 - Clean Water: The Bureau of Water Quality Planning developed total maximum daily loads (TMDLs) for phosphorus, suspended solids and turbidity for the Carson River from Stateline to Lahontan Reservoir to address the impacts of nonpoint source pollution. Nutrient and fine sediment TMDLs were also developed for Lake Tahoe.

The Bureau provided funding and technical assistance to the Carson River Coalition for development of the Carson River Integrated Watershed Management Plan. The plan incorporates the Carson River TMDLs and meets all nine elements required by the U.S. Environmental Protection Agency for a watershed restoration plan.

Clean Water Act 319(h) Nonpoint Source Program funding was provided to the City of Elko for the design and retrofit of the City Hall parking lot using low impact development techniques. The improved parking lot now retains stormwater runoff on-site, preventing pollution from entering the nearby Humboldt River.

Snapshot Monitoring Days were organized on the Truckee and Carson River to raise awareness of local water quality issues and promote environmental stewardship.

Hundreds of volunteers participated in collecting water quality samples and assessing riparian habitat conditions at more than 25 sites throughout the watersheds.

Water Pollution Control: The Division consolidated its wastewater and drinking water subdivision review and approval programs into one office, the Bureau of Water Pollution Control. This change made the process more efficient in the protection of the quality of Nevada's water resources.

The Bureau developed a tracking and management system for the data submitted by the regulated community. In addition to the tracking system, the Bureau has increased public outreach efforts. Both of these important efforts have resulted in an overall significant increase in regulatory compliance.

Mining Regulation and Reclamation: The total amount of financial assurance for mine reclamation in Nevada has passed the \$1 billion mark. This ensures that funding is available to properly reclaim mines in case the operator is unable or unwilling to do so, providing a valuable safeguard to human health and the environment.

Precious metals have reached record price levels. In spite of dramatically increased mining and exploration activity in the state, the Bureau of Mining Regulation and Reclamation has managed to continue to provide timely and responsive permitting services, while at the same time protecting the environment by requiring responsible mining practices in accordance with state statutes and regulations.

The Bureau of Mining Regulation and Reclamation is taking an active role in the rapidly changing field of mine closure. The Bureau has hosted a number of productive workshops and discussions with fellow regulators, consultants and mine operators to further the science of mine closure and enhance long-term environmental protection.

Goal 3 - Safe Drinking Water: Through effective management of the Safe Drinking Water program, Nevada routinely exceeds national Government Performance and Results Act (GPRA) targets such as "the percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through effective treatment and source water protection". The 2007 Federal Fiscal Year national target was 90%, the Nevada measurement was 98% for that period.

Goal 4 - Responsible Management of Chemicals and Waste: Nevada currently diverts approximately 18% of the roughly three million tons of waste disposed in landfills each year.

The Division has developed an educational curriculum to promote a sense of environmental stewardship and responsibility among school-aged children. The

NDEP Solid Waste & Recycling Curriculum builds knowledge through the progression of 20 consecutive lessons. The program has an interdisciplinary focus, meeting Nevada Department of Education academic standards in science, language arts, geography, and math.

There are approximately 1,840 active generators of hazardous waste in Nevada, about 50 transporters, and six permitted facilities that treat, store, or dispose of hazardous waste. During the biennium, the compliance rate for generators inspected was 97%.

Goal 5 - Restoration of Contaminated Sites: The Bureau of Corrective Actions (BCA) regulates fuel storage in underground tanks, manages the State Petroleum Fund and is actively overseeing contaminant investigations and remediation projects across the State to clean-up contaminated soil and groundwater and restore properties to beneficial use. Notable accomplishments include:

- o Reno Spark Indian Colony - Former Radiator Shop and Truck Yard -- NDEP provided the Reno Sparks Indian Colony with a low interest loan and contractor services to cleanup a property located in Reno. The site is owned by the Colony, and was remediated to accommodate subsequent development and lease to Wal-Mart. Construction of the store was subject to completion of the cleanup of releases of lead solder and waste oil to soil. The cleanup at the site received no further action letters from Washoe County District Health Department, NDEP, and the trust portion of the land received a no further action letter from EPA Region 9.

Goal 6 - Public Information and Assistance: The Division consolidated its two State Revolving Fund loan programs and the AB198 Water infrastructure grants program into a single organizational unit, the Office of Financial Assistance. This change has improved efficiency and strengthened fiscal oversight of these programs which have approximately \$500 million in obligations.